

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

AUG 20 2014
JAMES W. MCCORMACK, CLERK
By: *[Signature]*

Antoine B. Gage
1116 West Valmar
Little Rock, AR 72204
(Name of plaintiff or plaintiffs)

v.

CIVIL ACTION NO. 4:14cv497-DPM
(case number to be supplied by the assignment clerk)

Burger King / FHS ENT.
PO BOX 21410
LITTLE ROCK, AR 72221
(Name of defendant or defendants)

This case assigned to District Judge *Marshall*
Vulpi

COMPLAINT UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the Court by 42 U.S.C. §2000e-5. Equitable and other relief are also sought under 42 U.S.C. §2000e-5(g).

2. Plaintiff, Antoine B. Gage, is a
(name of plaintiff)
citizen of the United States and resides at 1116 West Valmar St.,
(street address)
Little Rock, Pulaski, AR, 72204,
(city) (county) (state) (ZIP)
501.744.4401.
(telephone)

3. Defendant, LISA Martin, lives at, or its
(name of defendant)
business is located at 11941 Maumelle Blvd., Little Rock,
(street address) (city)
Pulaski, AR, 72113.
(county) (state) (ZIP)

4. Plaintiff sought employment from the defendant or was employed by the

defendant at 11941 Maumelle Blvd, LITTLE ROCK,
(street address) (city)
Pulaski, AR, 72113.
(county) (state) (ZIP)

5. Defendant discriminated against plaintiff in the manner indicated in paragraphs 9 and 10 of the complaint on or about November 15 2012.
(month) (day) (year)

6. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission charging defendant with the acts of discrimination indicated in paragraphs 9 and 10 of this complaint on or about November 16 2012.
(month) (day) (year)

7. The Equal Employment Opportunity Commission issued a Notice of Right to Sue which was received by plaintiff on November 29 2012, a copy of which notice is attached to this complaint.
(month) (day) (year)

8. Because of plaintiff's (1) _____ race, (2) _____ color, (3) ☒ sex, (4) _____ religion, (5) _____ national origin, defendant:

(a) _____ failed to employ plaintiff.

(b) _____ terminated plaintiff's employment.

(c) ☒ failed to promote plaintiff.

(d) _____

9. The circumstances under which the defendant discriminated against plaintiff were

as follows: Ms. Lisa Martin trained at Burger King @ Allied Food for a General Manager position. This is the time I met Lisa. I was a crew leader making \$8.65. Once quitting at Allied Food Burger King I went to Flis and was start off a \$7.50 but placed in position to train new employees making the same pay. Lisa, Jeffrey, Heather are all part of the LGBT society which I feel is also a discrimination.

10. The acts set forth in paragraph 9 of this complaint:

- (a) _____ are still being committed by defendant.
- (b) ☒ are no longer being committed by defendant.
- (c) _____ may still be being committed by defendant.

11. Plaintiff attaches to this complaint a copy of the charges filed with the Equal Employment Opportunity Commission which charges are submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, plaintiff prays that the Court grant the following relief to the plaintiff:

- (a) _____ Defendant be directed to employ plaintiff, and
- (b) _____ Defendant be directed to re-employ plaintiff, and
- (c) _____ Defendant be directed to promote plaintiff, and
- (d) ☒ Defendant be directed to pay mental anguish, hardships

and that the Court grant such relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

Antoine B. Caze

SIGNATURE OF PLAINTIFF

Antoine Bernard Gage

Vs.

BURGER KING/ FLIS ENT. INC

Antoine B. Gage

August 26, 2014

1116 West Valmar

Little Rock, AR

72204

Lisa Martin

District Manager

BURGER KING/ FLIS ENT. INC

P.O. Box 21410

Little Rock, AR

72221

Antoine Bernard Gage

Vs.

BURGER KING/FLIS ENT. INC.

Antoine B. Gage

August 26, 2014

1116 West Valmar

\\Little Rock, AR

72204

Mary Colvert

Office Manager

BURGER KING/FLIS ENT. INC.

P.O. Box 21410

Little Rock, AR

72221

Antoine Bernard Gage

February 20, 2013

EEOC Files

1. Burger King Allied, 2. Burger King Flits, 3. Buffalo Wild Wings

Director, BILL CASH

ANTOINE BERNARD GAGE

Burger King/Flits Store employed: Maumelle

Lisa Martin: District manager/Flits, black female, homosexual, hiring manager.

Melody: General Manager, black female, N/A, managed a few shifts with my presents.

Marena: Manager, black female, N/A, managed a few shifts my presents.

Raven: employee, black female, bisexual, worked with her a few times.

Christina: employee, white female, bisexual, worked with her a couple shifts, defender of Flits.

Kim Perry: witness/ex-friend, black female, bisexual, from home town was the witness to the actions toward me because I confined friend and relationship in her nothing serious, I felt.

(I honestly don't remember every manager names and would hate to type any down that I'm not sure about, due to the short time I was employed there and everyone else name I was required to learn due to the environment.)

Personal Introduction:

I, Antoine Bernard Gage am a single black male that since July 6, 2006 had held two steady jobs before being pulled over by North Little Rock police for loud music April 20, 2012. I was reported to a supervisor at Arkansas Democrat Gazette by a leadsman of being in the slammer magazine, and they came in on May 5, 2012 to drug test me and I refused to take the test because I had been smoking marijuana, but they didn't give me a reason for the drug test. I asked the test supplier (who had a black eye at the time) "why was I giving a test because I was the only one and he just said he was asked to come down and take me one." They had been messing with me about me being sleepy during my last few hours of my 10 hour shifts because I was going to school full time, and working at Burger King as much as I possibly could.

Since being out I've also managed to have five kids which give me six in all, maybe seven but his mom gave him up for adoption (trying to get a test).

I will continue to attend Pulaski Tech College once all this is over with due to the fact that I was suppose to graduated this spring with my Associate of Art degree, towards my Business Management Degree. Then I will proceed to finishing my Drafting and Design course I started but it was too much with the two jobs I occupied. Leadsman brought it to a supervisor attention that I was on face book on break and not doing my work I was told I couldn't bring my laptop to work anymore. It may not of help to have a big Superman S on the side of my car, a athletic build, and a face not of a 31 year old. But to be a friendly, kind, people person that

ANTOINE BERNARD GAGE

indulge in smoking marijuana than cigarettes or alcohol, society seems to want to be the punishers of these individuals cause there are more people that has their rights looked over everyday cause they are stereotyped as law breakers or slow unintelligent people for smoking the drug. I don't want to smoke cigarettes because they are truly hard to get off of, control the need, cancer causing legal drug over the counter to ages starting at 18. Alcohol isn't a necessary need every day and I quit drinking beer due to the yeast in it that puts extra weight on you.

From West Helena/Helena, AR where both my mom and dad side are strong believers in working hard to make a living and I truly was inspired by both sides to form my great characteristics, and work ethics. Love dogs have a German Sheppard now but haven't been able to get him back to the vet for heart worm pills, so I'm keeping him comfortable with just love now. Before attending J.A. Fair High, Hall High, North Little Rock High, North/ Little Rock district. I also attended Central High School in Helena/West Helena where I played football, track, involved in ROTC, and inspired artist.

I was baptized in a Baptist environment but have grown to view that all religion has the ingredients to having a good heart but everyone minds, keeps them from true heaven on earth. Yet when I started the reference as I being God it was because of a purpose and fame wasn't in my mind, fortunes is what's buying our time here now, but the least respect for somebody/dies that has died for our so called sins or murdered for them. Yet in our business lying, dishonesty, homosexual discrimination looked over as just person vendettas. But its one place I see once the truth is spoken or beliefs or disagreements are tossed then GoD is not wanted with my his personal opinions (now most get offended for just this statement. But also know that G-D is supposed to be consisted of Disciples. So you see where the o had to grow O... I know you are

thinking how odd this may be but if you look at our life in times now, remove the last d from odd and you'll have od= over doses has claimed how many of our important people.....Stars, but place a G in front of od and you'll have their home where he is.. But I never treated anybody any different than I had before saying I was the most high all the time. But I guess this is what happens when I started.

ANTOINE BERNARD GAGE

Flis Management Company Inc.

5111 Jerry Drive Suite A

Little Rock, AR 72223

Burger King

11941 Maumelle Blvd,

North Little Rock, AR 72113

Placing an application at another Burger King was the last resort, but after trying to turn myself in for the truth, and referring to myself as GoD cause I felt I had to do so. But instead of North Little Rock police charging me for smoking marijuana in the courts, amongst clouds on most high, they asked me to put out my cigarette which I put the blunt out. They did a background check and the computer pulled up that I was a fugitive since '2001 in Monroe Co. so the Superman gift bag with the items including a 2.0 gram of marijuana wasn't charged to me. I was already thrown back by the fugitive issues after being in and out the system all these years, but not to be charge with a amount similar of that, that I told the officers was under my seat it shows how they could pick and choose who to arrest. But if GoD is the creator of every living thing that wouldn't be living if warned from trees, who are thee to pick one and make it illegal yet

ANTOINE BERNARD GAGE

profitable. Then after the knowledge of medical use became available or useful for depressions a slight change in legal ways of usage were formed to profit on it, starting in certain large states first. At any rate once I had gotten out I went to all of Flis locations except all the way in Maumelle.

I received a call from a manager from Camp Robinson location saying they need some individuals with experience at their Maumelle location which I agreed to meet the Lisa the next day. When I pulled up I noticed the lime green Camero and knew I knew it from somewhere, and of course my I'm the only Superman red Crown Victoria riding around Little Rock. So as I came in the restaurant I notice another green little car pulling up quickly also parking sharply. Lisa was seated at the first table by the door facing it so I was seen on entry I recognized from somewhere but couldn't place it. Once I was seated she got me started on paper work and got up and walked to the back. Lisa returned only to go to the table behind her and talk to a female that had gotten out of the green vehicle, during the conversation Lisa got loud with the manager about her performance in the store. I would of understood but at the same time there where customer in the building looking back at them cause I was looking back at both of them. Lisa suspended the manager a few shifts and she left. When Lisa came to my table I asked was there a problem with all of the managers doing what they suppose to be doing. She responded by saying they didn't like each other up there and I merely said but they can't run a store that way. Lisa skipped to the subject of what my hours was and when I told her I asked about a manager position and she said they didn't have a manager position open, then was like she was gone only be able to pay me 7.50. I said 7.50 with five years experience and left with 8.65. She was like that's all the cooperation would allow her to pay, I accepted because I really needed a job. While finishing the

application I mentioned how she looked familiar and she said I did also, and I asked did she know my gay uncle by the name of Tyrone Harris who did some work on a gay female club off Roosevelt. Lisa said she didn't know him or his friends so I was like okay still thinking where did I know her from. It wasn't until I walked out the door of the restaurant did I remember where I had remembered her from, Burger King on Markham and Cedar training her on special board. Then I went to my grandmother house who stays with my gay uncle to tell her how the woman was paying me 7.50 that's minimum wage without experience I filed a EEOC report because I found it kind of discriminative, and was personally being treated unfairly because of Lisa position and other people views of me. The first day reporting to work 10 minutes early soon as I walked in the door Lisa was like take off your do-rag, I was thinking "see the same shit Sherry use to do but I just shook it off, during my employment I would be asked to sweep after I've made an order and there'd be two people who be on the opposite side eating fries and talking, I would gone do it instead not having anything to do at all. The guys would leave me in the kitchen to go outside and smoke cigarettes or whatever and I would be left to make the orders, it came up at one point of why I left the other Burger King and I told them about me quitting because of person reasons. I was talking to Melody about how she started me off with the pay and how I felt like she and Sherry was in setting me up messing with my money, so then I got the cooperate office number from Melody I called got the voicemail every time. So I was still fighting trying to get my unemployment and now I got another job that's giving me the run around and my kids child support steady coming in the mail, an individual in a position with something against me is playing with my emotions as though feelings should be looked over these days. And the kitchen was small so here again I didn't know if it was homophobia or what but it was a lot of excess brushing against me that happened in the area a couple of times but not

nothing to serious, but it was like it was more horseplay playing and bumping, because when space is available there should be no reason to be brushed while waiting on buns to drop by employee, or bumped by a male manager that's on the fryers. I would be on the special board and the female on front counter would come back calling herself helping but really was getting in my way to where I would have to wait on her to get what she ran back there to get then would go back on front and they would get to hollering for what I was in the process of making, giggling and stuff. Derek and his girlfriend came up to the restaurant and spoke to the manager that got suspended were we had a disagreement about how unprofessional Lisa was during their meeting, Derek was asking if they missed him over in the restaurant location and I was going on break by then I would even put up with the slow insults about my speed on the sandwich boards that seemed to have followed me from BK with Allied. One day I was on the clock and there where order so I started eating banana pudding that I'd gotten from a friend by the name of Kim Perry from Dixie Café. A manager named Liz told me about eating behind the counter. I replied by telling the woman how the female on the other side of the whopper board just got thru using profanity but she didn't mention anything to the girl Raven about that though. Raven was mad because she said I had snitched on her but I merely was trying to make a point in how they were treating me and I was acknowledging my knowledgment of it and giving my disapprovals. In turn still end up throwing the pudding away because she stood there till I did so. I continued to work and hope that EEOC would look into the case I had filed dealing with the pay and waiting on my unemployment to get started. I was on time for every shift even closed one shift because the manager that gotten suspended had came back, and one of the gentleman that suppose to had closed that night called in. One day Lisa was there she wanted to make a big issue about making sure the lettuce I used for the garden salad was some good but I looked over it, even though it

was one of those comments that you would have to hear to understand. I was on back drive thru one day and the suspended manager told me I had to do all the items on a list in the drive-thru area and after viewing everything I knew I had never seen anybody doing nothing but washing dishes, or cutting veggies while being on the back there. I finished the dishes, swept, straighten out the walk-in, and mopped the back area including the window spot and clocked out at 5 p.m. Well when Lisa got the paperwork from EEOC she called my phone from her cell asking why I file a complaint on her. And I told her that I had told EEOC everything and they suppose to have sent her the papers. Lisa said she had gotten the papers and asked why again then asked if I had called the office, I said yes. She then asked what they say and I told her I got the voicemail, she said she had no idea what I was talking about and that it was whatever and hung up the phone. After the phone call that's when I could feel a difference in the environment, being bump seemingly purposely, sandwiches asked to be made then not need, I would swept and the gentlemen on the table would wipe stuff on the floor and him and a black manager, with long hair, would get to laughing jokingly afterwards, on my return back to work Lisa would have me to wipe the top of the shelves off which I could tell hadn't normally been done due to the buildup of residue and items on top of it. I don't mind working and actually find it quite fund to stay busy than at the house all day. On November 28, 2012 I had to go to the unemployment office that morning to see about my money cause of rent and Christmas coming up. I was there at the unemployment place at 9:02a.m I had to be at Burger King at 11 am. I gotten out of the place a little after 11 which I called BK to let them know I was on my way. I got to work at 12:03p.m, and told Melody who was the shift manager that I was at the unemployment office about my money. She said okay and never said anything to me about a write up or nothing I proceeded to worked my scheduled shift, on doing so the two white females one by the name of Christy who

was heavy set about 5'6 up and had to get off because the owner of the mustang who was the other white girl son was sick and she had to go to the hospital to check on him. So Melody let them go home because it was slow, since everyone had they phones I decided to go get mine out the car. I walked out the door to see the mustang and the driver and asked about her son and she said that her boyfriend's parents called and told her about the baby needing to go to the hospital and that she was Christy ride that's why she had to leave too. While bent over at the car still talking to the other females the white female Christy approaches the car and rubs my butt while walking behind me. I quickly responded by standing straight up saying "Whoa" because it was like déjà vu. I walked off in disbelief because I didn't know rather to take what she did as just a friendly gesture, if a man did that to every female that he would like to give a friendly gesture to he'd probably be imprisoned, maybe she liked me but that was still the wrong way to have contact with anybody you don't know. So after getting my phone I came back in the building where I told Melody about lil mama touching my butt. I told Melody what happened and she told me to call the office and I had told her that the number she had giving me for the office just sent me to voicemails and hung up. Melody explained to me the time zones and the cooperation business hours and told me to call and report it, I left a voicemail with a Mary Colbert and decided that I would let Lisa know the following day I come in which was November 29,2012 I made it to work at 11:05a.m. Brought the issue to the manager on shift Marena about the incident which she called Lisa and let her know and was told by Lisa, she was on her way up there. Once Lisa got there It was right at 12p.m something and I finished the sandwich and came to the office where Lisa, Marena, and I stood in the office while I told Lisa what happened. Lisa replied did I have permission from Melody to go outside to get my phone. I told her no cause she had let the two girls go early so she was trying to get ready to run the drive thru and expedite at the same

time and people has walked to smoke cigarettes without asking so what does that have to do with this girl touching me. She explained about the out of area policy and that she was gone have a talk with Melody. That's when I seen that this was the same similar type of bullshit. I decided to go to the EEOC and add this incident with the wage issue because this was starting to be ridiculous. At 1:35p.m Marena just so happen to me to go on break so I decided to go to the EEOC place to file the report because this didn't seem like a coincidence to me, so as I'm leaving the store I walks out the store to my car and leave. I was going right around the curve when I seen the lime green Camero in my rear view (old habits looking back) behind me. I kept my speed and she fell back some so I called the BK store and asked was Lisa still there and Marena said no she left after I did. I told Marena I figured that was her car behind me and told Marena that I was going to the EEOC to file that report and to let Lisa know, Marena said okay and we hung up. I attended J.A Fair with her brother and his wife Pavora. Once I arrived at the EEOC office I signed in and not long after sitting the lobby Ms. V. Pellard hand delivered the right to suit from the minimum wage dispute and how I felt was out of retaliation. I told the woman that I was coming to add the information on to the one in my hand and she explained how this one was close, I had to open another one. So I sat and made out the report because I had enlightened the shift manager that did not reject me from going. After the enter view with a Ms. Vera Sumpter I was told that it was up to me to give them a copy of the report cause they was gone get one in the mail. Since I planned on going back up there to give them the reason why I didn't come right back in writing so I told I was gone take one up there also, and was told as long as I let them know that I was coming to EEOC I should be okay at work. I made it back to work right at the end of my shift and walked in with the paperwork and asked for the original back, Lisa said okay and told me to go sit in the lobby for a meeting I suspected so on the way

back to the lobby I clocked back in round 5:14p.m, and sat in the lobby. When Lisa exited the offices and came out with Marena to the lobby with my termination papers. I was hurt and surprised why I was being fired with only one write up. No warnings or nothing, so when I go back to EEOC to tell them about Burger King firing me now what do I do? They kept saying I could find lawyer to try and suit but in other words I was pretty much at a dead end of justice not being served but the companies getting away with whatever Arkansas laws are allowing. Here it is I've worked at Allied Burger King for five years, but get fired no more after two weeks at landing job at Burger King with Flis for job abandonment.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Little Rock Area Office

820 Louisiana St., Suite 200
Little Rock, AR 72201
National Contact Center: (800) 669-4000
National Contact Center TTY: (800) 669-6820
Little Rock Status Line: (866) 408-8075
Little Rock Direct Dial: (501) 324-5014
TTY (501) 324-5481
FAX (501) 324-5991

July 23, 2014

Antoine Gage
1116 West Valmer St
Little Rock, AR 72204

IN RESPONSE PLEASE REFER TO: 493-2013-00259
493-2013-00213
846-2013-01294

Dear Attorney McKinnon:

Enclosed are the copies requested of the above referenced charge file for Antoine Gage vs BURGER KING in accordance with the Section 83 Guidelines. The fee for copying the documents is waived.

Sincerely,

Kenneth Collins

Kenneth Collins
Charge Information Supervisor

Enclosure

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Antoine B. Gage**
714 West 21st
North Little Rock, AR 72114

From: **Little Rock Area Office**
820 Louisiana
Suite 200
Little Rock, AR 72201

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(e))

EEOC Charge No.

EEOC Representative

Telephone No.

493-2013-00213

Manuela Esparza,
Investigator

(501) 324-5066**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

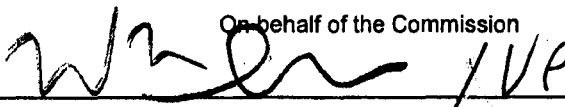
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



William A. Cash, Jr.,
Area Office Director

NOV 29 2012

(Date Mailed)

Enclosures(s)

cc:

Lisa Martin
District Manager
BURGER KING/ FLIS ENTERPRISE INC.
PO BOX 21410
Little Rock, AR 72221

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

493-2013-00213

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Antoine B. Gage

Home Phone (Incl. Area Code)

(501) 791-5792

Date of Birth

10-28-1981

Street Address

City, State and ZIP Code

714 West 21st, North Little Rock, AR 72114

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

Burger King

No. Employees, Members

15-100

Phone No. (Include Area Code)

(501) 851-1055

Street Address

City, State and ZIP Code

11941 Maumelle Blvd, North Little Rock, AR 72113

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

11-15-2012**11-16-2012**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

I was hired on or about November 15, 2012, with my most recent position as that of Crew member. Since I began my employment I have been harassed.

I do not know why I am being harassed.

I believe I am being harassed for having filed a previous EEOC charge against another company, in violation of Title VII of The Civil Rights Act of 1964, as amended and for personal issues.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

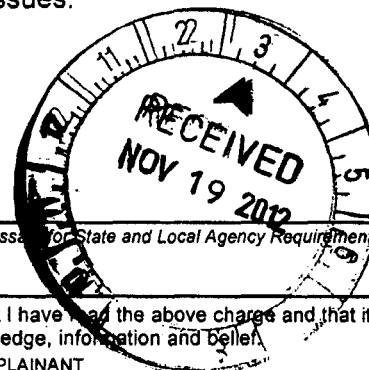
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

Nov 19, 2012

Date

Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)



Charge: 493-2013-00213
Charging Party: Antoine Gage
Position: Crew
DOH: 11/15/2012
Status: working

Date: 11/15/2012
Respondent: Burger King
Supervisor: Melody (Supervisor)

Statue: T7 **Basis:** Retaliation **Issue:** Harassed

Sequence of Events:

CP went to the interview on 11/14/2012, and began working on the 11/15/2012.

11/14/2012 CP went to the interview with Lisa Martin (District Director), CP said that he thought he knew her, and they saying that she did not know him. CP says that he was offered the job at \$7.50, he asked her if she would hire him for a manager position because he had experience at other BK, she stated that she was not hiring for manager.

CP says that he accepted the job because he needed the job.

CP says that after he left, he remembered her from working at another BK with Allied a different company, CP remembers training Martin. CP did not say anything.

CP went to work on 11/15/2012, CP spoke to Martin and told her that he remembered her from Allied, she told him that she had not work for Allied for a long time.

CP has worked for Allied they own Burger King's since 2007, CP has a complaint with the EEOC against Allied for sexual harassment. CP believes that Martin found out because of Sheri who used to work for allied, and now works for the Burger King in NLR, he believes that Martin found this out. CP believes that he is getting paid less, because of the other EEOC charge 846-2013-01294C and assigned to a store further away because of it. CP believes that Sheri is picking on him because they know about the EEOC charge.

CP says that he was eating banana pudding and was told by Sheri not to be eating there; CP says that he told her that he just heard another employee curse in front of the customer, and did not say anything; CP says that Sheri told him that she had not heard it.

Manuela Esparza
Investigator



493-2013-00213

FEDERAL EMPLOYMENT OPPORTUNITY COMMISSION INTAKE QUESTIONNAIRE

Please immediately complete this entire form and return it to the U.S. Equal Employment Opportunity Commission ("EEOC"). **REMEMBER**, a charge of employment discrimination must be filed within the time limits imposed by law, within 180 days of in some places within 300 days of the alleged discrimination. When we receive this form, we will review it to determine EEOC coverage. Answer all questions completely, and attach additional pages if needed to complete your responses. If you do not know the answer to a question, answer by stating "not known." If a question is not applicable, write "N/A." (PLEASE PRINT)

1. Personal Information

Last Name: GAGE First Name: Antoine MI: B
 Street or Mailing Address: 714 West 21st Apt or Unit #: _____
 City: North Little Rock County: Pulaski Co State: AR Zip: 72114
 Phone Numbers: Home: (501) 791.5792 Work: () _____
 Cell: (501) 791.5792 Email Address: antoine.gage@att.net
 Date of Birth: 10.28.81 Sex: ☒ Male ☐ Female Do You Have a Disability? ☐ Yes ☒ No

Please answer each of the next three questions. i. Are you Hispanic or Latino? ☐ Yes ☒ No

ii. What is your Race? Please choose all that apply. ☐ American Indian or Alaskan Native ☐ Asian ☐ White
☒ Black or African American ☐ Native Hawaiian or Other Pacific Islander

iii. What is your National Origin (country of origin or ancestry)? I don't know

Please Provide The Name Of A Person We Can Contact If We Are Unable To Reach You:

Name: Ann Williams Relationship: Grandmother
 Address: 1812 South Battery City: Little Rock State: AR Zip Code: 72114
 Home Phone: (501) 246.3157 Other Phone: (501) 541.7166

2. I believe that I was discriminated against by the following organization(s): (Check those that apply)

☒ Employer ☐ Union ☐ Employment Agency ☐ Other (Please Specify) _____

Organization Contact Information (If the organization is an employer, provide the address where you actually worked. If you work from home, check here and provide the address of the office to which you reported.) If more than one employer is involved, attach additional sheets.

Organization Name: Burger King
 Address: 11941 Maumelle Blvd County: Pulaski
 City: Maumelle NLR State: AR Zip: 72113 Phone: (501) 851.1055
 Type of Business: Restaurant Job Location if different from Org. Address: _____
 Human Resources Director or Owner Name: Flis Cor Phone: (501) 868.6659

Number of Employees in the Organization at All Locations: Please Check (✓) One

☒ Fewer Than 15 ☐ 15 - 100 ☐ 101 - 200 ☐ 201 - 500 ☐ More than 500

3. Your Employment Data (Complete as many items as you are able.) Are you a federal employee? ☐ Yes ☐ No

Date Hired: Nov. 15, 2012 Job Title At Hire: Crew
 Pay Rate When Hired: \$7.50 Last or Current Pay Rate: \$7.50
 Job Title at Time of Alleged Discrimination: Crew Date Quit/Discharged: _____
 Name and Title of Immediate Supervisor: Melody / USA MARTIN (District Manager)

If Job Applicant, Date You Applied for Job 11.2.12 Job Title Applied For Anything Available

4. What is the reason (basis) for your claim of employment discrimination?

FOR EXAMPLE, if you feel that you were treated worse than someone else because of race, you should check the box next to Race. If you feel you were treated worse for several reasons, such as your sex, religion and national origin, you should check all that apply. If you complained about discrimination, participated in someone else's complaint, or filed a charge of discrimination, and a negative action was threatened or taken, you should check the box next to Retaliation.

☐ Race ☐ Sex ☐ Age ☐ Disability ☐ National Origin ☐ Religion ☒ Retaliation ☐ Pregnancy ☐ Color (typically a difference in skin shade within the same race) ☐ Genetic Information/circle which type(s) of genetic information is involved: i. genetic testing ii. family medical history iii. genetic services (genetic services means counseling, education or testing)

If you checked color, religion or national origin, please specify: _____

If you checked genetic information, how did the employer obtain the genetic information? _____

Other reason (basis) for discrimination (Explain): Manager friends was fired from Allied Burger King cause of ME

5. What happened to you that you believe was discriminatory? Include the date(s) of harm, the action(s), and the name(s) and title(s) of the person(s) who you believe discriminated against you. Please attach additional pages if needed.
(Example: 10/02/06 – Discharged by Mr. John Soto, Production Supervisor)

A. Date: 11.14.12 Action: Was hired all the way in Maumelle Burger King by Lisa Martin, my applications was placed in three locations around my home area
Name and Title of Person(s) Responsible: Lisa Martin (District Manager) \$7.50

B. Date: _____ Action: _____

Name and Title of Person(s) Responsible _____

6. Why do you believe these actions were discriminatory? Please attach additional pages if needed.

I train MS. Lisa Martin when she trained at Burger King with Allied cooperation, her friend Sherry got fired for cursing a customer.

7. What reason(s) were given to you for the acts you consider discriminatory? By whom? His or Her Job Title?

Low volume store, so they could afford to pay me any more than \$7.50 if they wasn't hiring for managers at the time. Lisa Martin (Distr. man.)

8. Describe who was in the same or similar situation as you and how they were treated. For example, who else applied for the same job you did, who else had the same attendance record, or who else had the same performance? Provide the race, sex, age, national origin, religion, or disability of these individuals, if known, and if it relates to your claim of discrimination. For example, if your complaint alleges race discrimination, provide the race of each person; if it alleges sex discrimination, provide the sex of each person; and so on. Use additional sheets if needed.

Of the persons in the same or similar situation as you, who was treated better than you?

Full Name	Race, sex, age, national origin, religion or disability	Job Title	Description of Treatment
A. <u>N/A</u>			

B. _____

Of the persons in the same or similar situation as you, who was treated *worse* than you?

Full Name Race, sex, age, national origin, religion or disability Job Title Description of Treatment

A. N/A

B. _____

Of the persons in the same or similar situation as you, who was treated the *same* as you?

Full Name Race, sex, age, national origin, religion or disability Job Title Description of Treatment

A. N/A

B. _____

Answer questions 9-12 only if you are claiming discrimination based on disability. If not, skip to question 13. Please tell us if you have more than one disability. Please add additional pages if needed.

9. Please check all that apply:

- ☐ Yes, I have a disability
☐ I do not have a disability now but I did have one
☐ No disability but the organization treats me as if I am disabled

10. What is the disability that you believe is the reason for the adverse action taken against you? Does this disability prevent or limit you from doing anything? (e.g., lifting, sleeping, breathing, walking, caring for yourself, working, etc.).

11. Do you use medications, medical equipment or anything else to lessen or eliminate the symptoms of your disability?

☐ Yes ☐ No

If "Yes," what medication, medical equipment or other assistance do you use?

12. Did you ask your employer for any changes or assistance to do your job because of your disability?

☐ Yes ☐ No

If "Yes," when did you ask? _____ How did you ask (verbally or in writing)? _____

Who did you ask? (Provide full name and job title of person)

Describe the changes or assistance that you asked for: _____

How did your employer respond to your request? _____

13. Are there any witnesses to the alleged discriminatory incidents? If yes, please identify them below and tell us what they will say. (Please attach additional pages if needed to complete your response)

Full Name	Job Title	Address & Phone Number	What do you believe this person will tell us?
A. <u>Melody</u>	<u>General Manager</u>	<u>11941 Maumelle Blvd</u>	<u>(501) 851.6255</u>
B. _____	_____	_____	_____

14. Have you filed a charge previously on this matter with the EEOC or another agency? ☒ Yes ☐ No

15. If you filed a complaint with another agency, provide the name of agency and the date of filing: _____

16. Have you sought help about this situation from a union, an attorney, or any other source? ☐ Yes ☒ No
Provide name of organization, name of person you spoke with and date of contact. Results, if any?

Please check one of the boxes below to tell us what you would like us to do with the information you are providing on this questionnaire. If you would like to file a charge of job discrimination, you must do so either within 180 days from the day you knew about the discrimination, or within 300 days from the day you knew about the discrimination if the employer is located in a place where a state or local government agency enforces laws similar to the EEOC's laws. If you do not file a charge of discrimination within the time limits, you will lose your rights. If you would like more information before filing a charge or you have concerns about EEOC's notifying the employer, union, or employment agency about your charge, you may wish to check Box 1. If you want to file a charge, you should check Box 2.

BOX 1 ☐ I want to talk to an EEOC employee before deciding whether to file a charge. I understand that by checking this box, I have not filed a charge with the EEOC. I also understand that I could lose my rights if I do not file a charge in time.

BOX 2 ☒ I want to file a charge of discrimination, and I authorize the EEOC to look into the discrimination I described above. I understand that the EEOC must give the employer, union, or employment agency that I accuse of discrimination information about the charge, including my name. I also understand that the EEOC can only accept charges of job discrimination based on race, color, religion, sex, national origin, disability, age, genetic information, or retaliation for opposing discrimination.

Antoine B. Gage
Signature

November 16, 2012
Today's Date

PRIVACY ACT STATEMENT: This form is covered by the Privacy Act of 1974: Public Law 93-579. Authority for requesting personal data and the uses thereof are:

- 1) FORM NUMBER/TITLE/DATE. EEOC Intake Questionnaire (9/20/08). 2) AUTHORITY. 42 USC § 2000e-5(b), 29 USC § 211, 29 USC § 626, 42 USC § 12117(a), 42 USC § 2000ff-6.
- 3) PRINCIPAL PURPOSE. The purpose of this questionnaire is to solicit information about claims of employment discrimination, determine whether the EEOC has jurisdiction over those claims, and provide charge filing counseling, as appropriate. Consistent with 29 CFR 1601.12(b) and 29 CFR 1626.8(c), this questionnaire may serve as a charge if it meets the elements of a charge.
- 4) ROUTINE USES. EEOC may disclose information from this form to other state, local and federal agencies as appropriate or necessary to carry out the Commission's functions, or if EEOC becomes aware of a civil or criminal law violation. EEOC may also disclose information to respondents in litigation, to congressional offices in response to inquiries from parties to the charge, to disciplinary committees investigating complaints against attorneys representing the parties to the charge, or to federal agencies inquiring about hiring or security clearance matters.
- 5) WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION. Providing this information is voluntary but the failure to do so may hamper the Commission's investigation of a charge. It is not mandatory that this form be used to provide the requested information.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Little Rock Area Office

820 Louisiana St., Suite 200
Little Rock, AR 72201
National Contact Center: (800) 669-4000
National Contact Center TTY: (800) 669-6820
Little Rock Status Line: (866) 408-8075
Little Rock Direct Dial: (501) 324-5014
TTY (501) 324-5481
FAX (501) 324-5991

July 23, 2014

Antoine Gage
1116 West Valmer St
Little Rock, AR 72204

IN RESPONSE PLEASE REFER TO: 493-2013-00259
493-2013-00213
846-2013-01294

Dear Attorney McKinnon:

Enclosed are the copies requested of the above referenced charge file for Antoine Gage vs BURGER KING in accordance with the Section 83 Guidelines. The fee for copying the documents is waived.

Sincerely,

A handwritten signature in black ink that reads "Kenneth Collins".

Kenneth Collins
Charge Information Supervisor

Enclosure

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Antoine Gage**
714 W 21 St
N Little Rock, AR 72114

From: **Little Rock Area Office**
820 Louisiana
Suite 200
Little Rock, AR 72201

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

493-2013-00259

Vera Sumpter,
Investigator

(501) 324-6213

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

W. A. Cash, Jr.
 On behalf of the Commission

Enclosures(s)

William A. Cash, Jr.,
Area Office Director

DEC 11 2012

(Date Mailed)

cc:

Mary Colvert
Office Manager
FLIS ENTERPRISES INC.
P.O. Box 21410
Little Rock, AR 72221

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge Noted:

☐ FEPA☒ EEOC

493-2013-00259

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mr. Antoine Gage

Home Phone (incl. Area Code)

(501) 791-5792

Date Filed

10-28-1981

Street Address

City, State and ZIP Code

714 W 21 St, N Little Rock, AR 72114

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

BURGER KING

No. Employees, Members

15 - 100

Phone No. (Include Area Code)

(501) 851-4078

Street Address

City, State and ZIP Code

11941 Maumelle Blvd, North Little Rock, AR 72113

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE☐ COLOR☒ SEX☐ RELIGION☐ NATIONAL ORIGIN☒ RETALIATION☐ AGE☐ DISABILITY☐ GENETIC INFORMATION☐ OTHER (Specify)DATE(S) DISCRIMINATION OCCURRED
Earliest Latest

11-15-2012

11-28-2012

☒

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

I was hired on November 15, 2012, as a Crew Member. Since my hire date, I have been treated differently by the District Manager, because she makes me perform job duties that other Crew Members are not required to do. On November 23, 2012, I received a call from the District Manager asking me if I had filed an EEOC charge; I told her that I did. On November 28, 2012, I was sexually harassed by a co-worker in the form of unwanted touching.

The District Manager asked me, why I filed an EEOC charge. The District Manager is aware that I have filed two previous EEOC charges. One charge was filed at a different store location while she was at that store and one filed at my current location. I don't know why I was sexually harassed.

I believe I have been sexually harassed because of my sex, male, and made to perform jobs that no one else is required to do, in retaliation for filing two previous EEOC charges, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Nov 29, 2012

Date

Antoine Gage D.

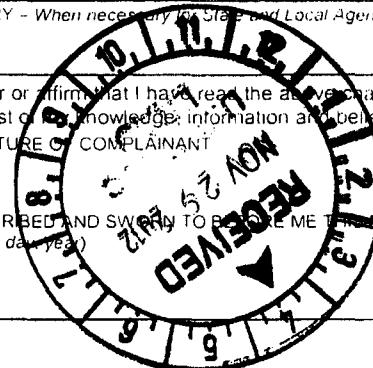
Charging Party Signature

NOTARY - When necessary for State and Local Agency requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO before me this 29th day of November, 2012.



EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC**493-2013-00259**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mr. Antoine Gage

Home Phone (Incl. Area Code)

(501) 791-5792

Date of Birth

10-28-1981

Street Address

City, State and ZIP Code

714 W 21 St, N Little Rock, AR 72114

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

BURGER KING

No. Employees, Members

15 - 100

Phone No. (Include Area Code)

(501) 851-4078

Street Address

City, State and ZIP Code

11941 Maumelle Blvd, North Little Rock, AR 72113

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE☐ COLOR☒ SEX☐ RELIGION☐ NATIONAL ORIGIN☒ RETALIATION☐ AGE☐ DISABILITY☐ GENETIC INFORMATION☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

11-15-2012**11-28-2012**☒

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I was hired on November 15, 2012, as a Crew Member. Since my hire date, I have been treated differently by the District Manager, because she makes me perform job duties that other Crew Members are not required to do. On November 23, 2012, I received a call from the District Manager asking me if I had filed an EEOC charge; I told her that I did. On November 28, 2012, I was sexually harassed by a co-worker in the form of unwanted touching.

The District Manager asked me, why I filed an EEOC charge. The District Manager is aware that I have filed two previous EEOC charges. One charge was filed at a different store location while she was at that store and one filed at my current location. I don't know why I was sexually harassed.

I believe I have been sexually harassed because of my sex, male, and made to perform jobs that no one else is required to do, in retaliation for filing two previous EEOC charges, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Nov 29, 2012

Date

Antoine Gage

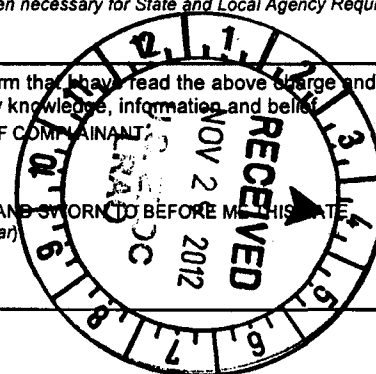
Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

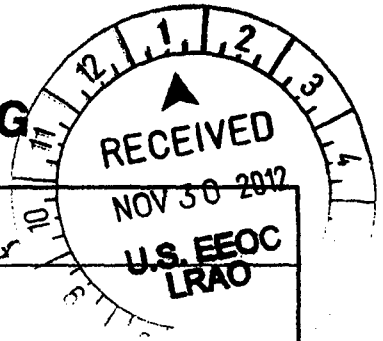
SUBSCRIBED AND SWORN TO BEFORE ME THIS 29th day of NOV 2012





RECORD OF EMPLOYEE COUNSELING

NAME Antoine Gage	POSITION Crow member
DEPARTMENT NAME OR RESTAURANT NO. 16604	



COMPLIMENT	COMPLIMENT FOR SPECIAL PERFORMANCE:

OR

DISCIPLINARY ACTION	DISCIPLINARY ACTION FOR:
	<input type="checkbox"/> INSUBORDINATION <input type="checkbox"/> INTOXICATION <input type="checkbox"/> EXCESSIVE ABSENTEEISM <input type="checkbox"/> EXCESSIVE TARDINESS <input type="checkbox"/> OTHER: _____
	<input checked="" type="checkbox"/> VIOLATION OF EMPLOYER RULES <input checked="" type="checkbox"/> LEFT WORKPLACE WITHOUT PERMISSION <input type="checkbox"/> CASH SHORTAGES <input type="checkbox"/> POOR WORK PERFORMANCE
	DETAILS OF PERFORMANCE PROBLEM OR RULES VIOLATION: (BE SPECIFIC, INCLUDE DATES) Antone break was 30 mins Antone went on break at 1:35 and just now return for scheduled shift. His shift ended at 5pm (11-29-12) 11-28-12 Antone was schedule 11am and he got here at 11:40. Antone is terminated due to job abandonment for not returning to work until scheduled shift was over.
DISCIPLINARY ACTION TAKEN:	<input type="checkbox"/> VERBAL WARNING WITH ADVICE ON HOW TO IMPROVE <input type="checkbox"/> WRITTEN WARNING WITH ADVICE ON HOW TO IMPROVE <input type="checkbox"/> OTHER Employee failed to maintain work schedule <input type="checkbox"/> TERMINATION

SUPERVISOR'S SIGNATURE Lisa Martin	DATE ISSUED 11/29/12
EMPLOYEE'S SIGNATURE Antone B Gage	DATE DISCUSSED 11/29/12



WHITE COPY — EMPLOYEE
YELLOW COPY — EMPLOYEE PERSONNEL FILE



RECORD OF EMPLOYEE COUNSELING

NAME Antoine Gage	POSITION Crew member
DEPARTMENT NAME OR RESTAURANT NO. 16604	

COMPLIMENT FOR SPECIAL PERFORMANCE:

COMPLIMENT

OR

DISCIPLINARY ACTION FOR:

- | | |
|--|---|
| <input type="checkbox"/> INSUBORDINATION | <input checked="" type="checkbox"/> VIOLATION OF EMPLOYER RULES |
| <input type="checkbox"/> INTOXICATION | <input checked="" type="checkbox"/> LEFT WORKPLACE WITHOUT PERMISSION |
| <input type="checkbox"/> EXCESSIVE ABSENTEEISM | <input type="checkbox"/> CASH SHORTAGES |
| <input type="checkbox"/> EXCESSIVE TARDINESS | <input type="checkbox"/> POOR WORK PERFORMANCE |
| <input type="checkbox"/> OTHER: _____ | |

DETAILS OF PERFORMANCE PROBLEM OR RULES VIOLATION: (BE SPECIFIC, INCLUDE DATES)

Antoine break was 20 mins
Antoine went on break at 1:35 and just now return for scheduled shift. His shift ended at 5pm (11-29-12)
11-28-12 Antoine was schedule 11am and he got here at 11:40.
Antoine is terminated due to job abandonment for not returning to work until scheduled shift was over.

- DISCIPLINARY ACTION TAKEN:
- ☐ VERBAL WARNING WITH ADVICE ON HOW TO IMPROVE
- ☐ WRITTEN WARNING WITH ADVICE ON HOW TO IMPROVE
- ☐ OTHER Employee failed to maintain work schedule
- ☐ TERMINATION

SUPERVISOR'S SIGNATURE Lisa Martin	DATE ISSUED 11/29/12
EMPLOYEE'S SIGNATURE Antoine B Gage	DATE DISCUSSED 11/29/12

WHITE COPY — EMPLOYEE
YELLOW COPY — EMPLOYEE PERSONNEL FILE

Intake Notes: Walk In
EEOC Charge#: 493-2013-00259
Date: 11/29/2012
CP: Antoine Gage

Telephone: 501-791-5792
Respondent: Burger King
Date of Hire: 11/15/12
Position: Crew
Supervisor: Lisa Martin, DM
Current Status: employed
Date of Discharge:
Reason for Discharge:
Number of Employees at location:

Basis: Sex (male) & Retaliation

Issue: Sexual harassment & Terms and Conditions

CP said he filed two recent EEOC charges. I located an open charge filed 10/4/12 and another charge filed on 11/19/12, which was closed 11/29/12.

CP said he was hired at the Maumelle location in NLR, on 11/15/12. CP said he is here today to file another charge because he received a call from District Manager Lisa Martin on 11/23/12 (his off day) asking him if he had filed a charge. CP said she was angry and asked him what was he filing a charge for and that she had received the paper work from EEOC and knows he filed a charge. CP said he told her he had and then hung up the phone. CP said he couldn't believe she had called harassing him on his off day about filing a charge.

CP said him and Lisa used to work for Allied Management who owned the Burger King on Markham in Little Rock. CP said after he filed his EEOC charge in October he quit that Burger King and was hired at the Burger King in Maumelle which is owned by Flis Management. CP said Lisa knew he filed a charge in October and now she was questioning him about his recent charge filed in November.

CP said since starting work at the NLR location, he believes that Lisa has told other employees that he was a trouble maker and about him filing a charge. CP said he hears the other workers whispering about him and he believes they are told to stay away from him. CP said that everyone was trying to tell him how to fix a sandwich. CP said they act like he has never worked in a Burger King. CP said that Lisa is turning everyone against him. CP said that Lisa is gay and her friends at this location are against him. CP said if he has cleaned someone will come and mess up things. CP said Stephanie LNU, Manager, made CP go by a list of detailed things to do. CP said one crew member asked CP why he was doing things on that list. CP said he was told that no one has ever been made to do any of those things.

CP said he was off on 11/23/12 and worked on Saturday 11/24/12; called in on 11/25/12. CP said that he was off on 11/26/12 and worked on 11/27/12.

CP said on 11/28/12 things were different because Lisa started telling CP he needed to do things that she doesn't ask anyone else to do. CP said later that day he went to get his phone from his car. CP said Trina had to leave because her baby was sick. CP said he was at the car talking

Intake Notes: Walk In
EEOC Charge#: 493-2013-00259
Date: 11/29/2012
CP: Antoine Gage

Page 2

to Trina about her baby. CP said while he was at the car Christine LNU came up behind him and squeezed his butt then got in the car with Trina and left. CP said he believes that Lisa told Christine about his first EEOC charge and that it was about sexual harassment and that's why she squeezed his butt. CP said Christine is crew member. CP said he doesn't know why she did that because they are not friends and don't have a relationship of that sort.

CP said complained to Marina about Christine had touched him on the butt when he was outside getting his phone. CP said she took his statement and told him that she would send it to the corporate office.

CP said Lisa asked GM Melanie LNU if she gave CP permission to go to his car. CP said Melanie told Lisa she had not given CP permission to go to his car while on the clock. CP said they are trying to make a big deal over it and he believes they may come after him for going to his car. CP said others go do things and they don't ask to go do it. CP said Trina, Raven, Christine goes outside and smoke and they don't ask for permission.

CP said about a week ago Jason LNU and Chris LNU went to their car and nothing was said to them. CP said he believes Lisa is after him in retaliation for filing two previous EEOC charges and CP believes he is being treated differently than other workers because Lisa doesn't like the fact of his filing charges with EEOC.

Witnesses:

None

R's Policy:

CP said he is aware of company policies on sexual harassment and such.

Comparators:

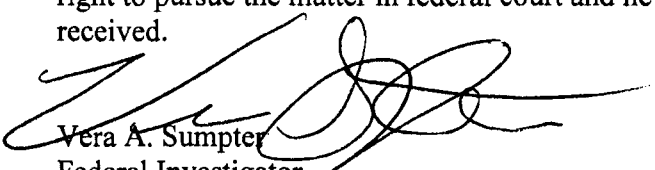
CP said that employees who have worked there longer have gone to their cars and nothing has been done to them. CP said others who have not filed a charge are treated better than him.

Desired Resolution:

CP said he would like to relocate to another store in the NLR area.

I explained ADR and EEOC laws.

I explained to CP in the event it is determined the evidence does not support a finding of discrimination, the Area Director will issue a Dismissal and Notice of Rights notifying him of his right to pursue the matter in federal court and he would have 90 days to file from the date it is received.



Vera A. Sumpter
Federal Investigator



193-00100259

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION INTAKE QUESTIONNAIRE

Please immediately complete this entire form and return it to the U.S. Equal Employment Opportunity Commission ("EEOC"). REMEMBER, a charge of employment discrimination must be filed within the time limits imposed by law, within 180 days or in some places within 300 days of the alleged discrimination. When we receive this form, we will review it to determine EEOC coverage. Answer all questions completely, and attach additional pages if needed to complete your responses. If you do not know the answer to a question, answer by stating "not known." If a question is not applicable, write "N/A." (PLEASE PRINT)

1. Personal Information

Last Name: Gage First Name: Antoine MI: B
 Street or Mailing Address: 714 West 21st Apt or Unit #: _____
 City: North Little Rock County: Pulaski State: AR Zip: 72114
 Phone Numbers: Home: (501) 791.5792 Work: () _____
 Cell: (501) 791.5792 Email Address: antoine.gage@att.net
 Date of Birth: 10.28.81 Sex: ☒ Male ☐ Female Do You Have a Disability? ☐ Yes ☒ No

Please answer each of the next three questions. i. Are you Hispanic or Latino? ☐ Yes ☒ No

ii. What is your Race? Please choose all that apply. ☐ American Indian or Alaskan Native ☐ Asian ☐ White
☒ Black or African American ☐ Native Hawaiian or Other Pacific Islander

iii. What is your National Origin (country of origin or ancestry)? _____

Please Provide The Name Of A Person We Can Contact If We Are Unable To Reach You: "

Name: Ann Williams Relationship: Grandmother
 Address: 1812 South Betty St. City: Little Rock State: AR Zip Code: 72205
 Home Phone: (501) 246.9637 Other Phone: () _____

2. I believe that I was discriminated against by the following organization(s): (Check those that apply)

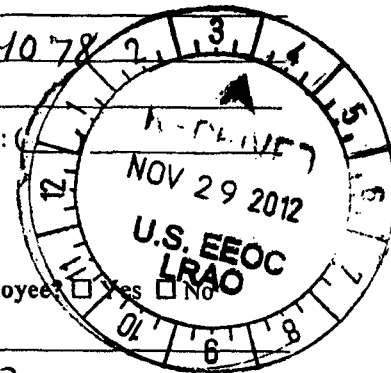
☒ Employer ☐ Union ☐ Employment Agency ☐ Other (Please Specify) _____

Organization Contact Information (If the organization is an employer, provide the address where you actually worked. If you work from home, check here and provide the address of the office to which you reported.) If more than one employer is involved, attach additional sheets.

Organization Name: Burger King
 Address: Manuel's Blvd. County: Pulaski
 City: North Little Rock State: AR Zip: _____ Phone: (501) 851.4078
 Type of Business: Restaurant Job Location if different from Org. Address: _____
 Human Resources Director or Owner Name: Tracy Phone: () _____
 Number of Employees in the Organization at All Locations: Please Check (✓) One
☒ Fewer Than 15 ☐ 15 - 100 ☐ 101 - 200 ☐ 201 - 500 ☐ More than 500

3. Your Employment Data (Complete as many items as you are able.) Are you a federal employee? ☐ Yes ☒ No

Date Hired: 11.15.12 Job Title At Hire: Crew
 Pay Rate When Hired: 7.50 Last or Current Pay Rate: 7.50
 Job Title at Time of Alleged Discrimination: Crew Date Quit/Discharged: still there
 Name and Title of Immediate Supervisor: Lisa Martin / Melody



If Job Applicant, Date You Applied for Job Anything open Job Title Applied For Anything open

4. What is the reason (basis) for your claim of employment discrimination?

FOR EXAMPLE, if you feel that you were treated worse than someone else because of race, you should check the box next to Race. If you feel you were treated worse for several reasons, such as your sex, religion and national origin, you should check all that apply. If you complained about discrimination, participated in someone else's complaint, or filed a charge of discrimination, and a negative action was threatened or taken, you should check the box next to Retaliation.

☐ Race ☒ Sex ☐ Age ☐ Disability ☐ National Origin ☐ Religion ☒ Retaliation ☐ Pregnancy ☐ Color (typically a difference in skin shade within the same race) ☐ Genetic Information; circle which type(s) of genetic information is involved: i. genetic testing ii. family medical history iii. genetic services (genetic services means counseling, education or testing)

If you checked color, religion or national origin, please specify: _____

If you checked genetic information, how did the employer obtain the genetic information? _____

Other reason (basis) for discrimination (Explain): _____

5. What happened to you that you believe was discriminatory? Include the date(s) of harm, the action(s), and the name(s) and title(s) of the person(s) who you believe discriminated against you. Please attach additional pages if needed.

(Example: 10/02/06 - Discharged by Mr. John Soto, Production Supervisor)

A. Date: 11.28.12 Action: rub my buttocks while leaving the store yesterday afternoon

Name and Title of Person(s) Responsible: Christian Crew member

B. Date: _____ Action: _____

Name and Title of Person(s) Responsible _____

6. Why do you believe these actions were discriminatory? Please attach additional pages if needed.

BECAUSE OF A LAWSUIT FILED AGAINST BURGER KING ALLIED CORP. AND PERSONAL CONFLICT WHICH NATURALLY CAN'T BE UNLESS SEEN FIRST HAND.

7. What reason(s) were given to you for the acts you consider discriminatory? By whom? His or Her Job Title?

N/A

8. Describe who was in the same or similar situation as you and how they were treated. For example, who else applied for the same job you did, who else had the same attendance record, or who else had the same performance? Provide the race, sex, age, national origin, religion, or disability of these individuals, if known, and if it relates to your claim of discrimination. For example, if your complaint alleges race discrimination, provide the race of each person; if it alleges sex discrimination, provide the sex of each person; and so on. Use additional sheets if needed.

Of the persons in the same or similar situation as you, who was treated *better* than you?

Full Name	Race, sex, age, national origin, religion or disability	Job Title	Description of Treatment
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A. _____

B. _____

Of the persons in the same or similar situation as you, who was treated *worse* than you?

<u>Full Name</u>	<u>Race, sex, age, national origin, religion or disability</u>	<u>Job Title</u>	<u>Description of Treatment</u>
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A. _____

B. _____

Of the persons in the same or similar situation as you, who was treated the *same* as you?

<u>Full Name</u>	<u>Race, sex, age, national origin, religion or disability</u>	<u>Job Title</u>	<u>Description of Treatment</u>
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A. _____

B. _____

Answer questions 9-12 only if you are claiming discrimination based on disability. If not, skip to question 13. Please tell us if you have more than one disability. Please add additional pages if needed.

9. Please check all that apply:

- ☐ Yes, I have a disability
☐ I do not have a disability now but I did have one
☐ No disability but the organization treats me as if I am disabled

10. What is the disability that you believe is the reason for the adverse action taken against you? Does this disability prevent or limit you from doing anything? (e.g., lifting, sleeping, breathing, walking, caring for yourself, working, etc.).

11. Do you use medications, medical equipment or anything else to lessen or eliminate the symptoms of your disability?

☐ Yes ☐ No

If "Yes," what medication, medical equipment or other assistance do you use?

12. Did you ask your employer for any changes or assistance to do your job because of your disability?

☐ Yes ☐ No

If "Yes," when did you ask? _____ How did you ask (verbally or in writing)? _____

Who did you ask? (Provide full name and job title of person)

Describe the changes or assistance that you asked for: _____

How did your employer respond to your request? _____

13. Are there any witnesses to the alleged discriminatory incidents? If yes, please identify them below and tell us what they will say. (Please attach additional pages if needed to complete your response)

Full Name Job Title Address & Phone Number What do you believe this person will tell us?

A. _____

B. _____

14. Have you filed a charge previously on this matter with the EEOC or another agency? ☒ Yes ☐ No

15. If you filed a complaint with another agency, provide the name of agency and the date of filing: _____

16. Have you sought help about this situation from a union, an attorney, or any other source? ☐ Yes ☒ No
Provide name of organization, name of person you spoke with and date of contact. Results, if any?

Please check one of the boxes below to tell us what you would like us to do with the information you are providing on this questionnaire. If you would like to file a charge of job discrimination, you must do so either within 180 days from the day you knew about the discrimination, or within 300 days from the day you knew about the discrimination if the employer is located in a place where a state or local government agency enforces laws similar to the EEOC's laws. If you do not file a charge of discrimination within the time limits, you will lose your rights. If you would like more information before filing a charge or you have concerns about EEOC's notifying the employer, union, or employment agency about your charge, you may wish to check Box 1. If you want to file a charge, you should check Box 2.

BOX 1 ☐ I want to talk to an EEOC employee before deciding whether to file a charge. I understand that by checking this box, I have not filed a charge with the EEOC. I also understand that I could lose my rights if I do not file a charge in time.

BOX 2 ☒ I want to file a charge of discrimination, and I authorize the EEOC to look into the discrimination I described above. I understand that the EEOC must give the employer, union, or employment agency that I accuse of discrimination information about the charge, including my name. I also understand that the EEOC can only accept charges of job discrimination based on race, color, religion, sex, national-origin, disability, age, genetic information, or retaliation for opposing discrimination.

Antoine Gage B
Signature

11.29.12
Today's Date

PRIVACY ACT STATEMENT: This form is covered by the Privacy Act of 1974: Public Law 93-579. Authority for requesting personal data and the uses thereof are:

- 1) FORM NUMBER/TITLE/DATE. EEOC Intake Questionnaire (9/20/08). 2) AUTHORITY. 42 USC § 2000e-5(b), 29 USC § 211, 29 USC § 626, 42 USC § 12117(a), 42 USC § 2000f-6.
- 3) PRINCIPAL PURPOSE. The purpose of this questionnaire is to solicit information about claims of employment discrimination, determine whether the EEOC has jurisdiction over those claims, and provide charge filing counseling, as appropriate. Consistent with 29 CFR 1601.12(b) and 29 CFR 1626.8(c), this questionnaire may serve as a charge if it meets the elements of a charge.
- 4) ROUTINE USES. EEOC may disclose information from this form to other state, local and federal agencies as appropriate or necessary to carry out the Commission's functions, or if EEOC becomes aware of a civil or criminal law violation. EEOC may also disclose information to respondents in litigation, to congressional offices in response to inquiries from parties to the charge, to disciplinary committees investigating complaints against attorneys representing the parties to the charge, or to federal agencies inquiring about hiring or security clearance matters.
- 5) WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION. Providing this information is voluntary but the failure to do so may hamper the Commission's investigation of a charge. It is not mandatory that this form be used to provide the requested information.